

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE: Richard Bird ,
SSN: XXX-XX-2663

Case No. 10-12437
Chapter 13

Debtors.

IN RE: David J. Lagatt
SSN: XXX-XX-7773

Case No. 10-10890
Chapter 13

Debtors.

**TRUSTEE'S MOTION TO AMEND
CLERK'S DESIGNATION OF UNCLAIMED FUNDS**

Andrea E. Celli, Chapter 13 Standing Trustee, affirms under penalties of perjury as follows in support of her Motion to Amend the Clerk's Designation of Unclaimed Funds.

1. I am an attorney duly admitted to practice law in the Courts of the State of New York and in the U.S. Bankruptcy Court for the Northern District of New York.

2. I am the Standing Chapter 13 Trustee in both the above-captioned bankruptcy proceedings and as such I am fully familiar with the facts and circumstances contained herein.

3. I make this affirmation in support of my request for an Order to accurately reflect the deposit of monies and proposed distribution of unclaimed funds in these proceedings.

4. My office previously remitted to the Bankruptcy Court the sum of \$2,290.88 as "unclaimed funds" and in a cover letter remitted with the check, inadvertently designated said funds as payable to Aargon Agency Inc. in the case Richard Bird (10-12437).

5. There was an inadvertent error in the enclosed cover letter sent, as the check represented unclaimed funds designated for CitiFinancial Auto Credit, Inc. the case David J. Lagatt (10-10890).

6. Based upon the incorrect cover letter, the check was incorrectly designated in the Court records.

7. With this motion, the undersigned seeks to amend the Clerk's designation of these funds to properly designate the funds for creditor CitiFinancial Auto Credit, Inc. (Court Claim Number 1) in the case David J. Lagatt (10-10890).

Wherefore the Trustee requests the Court issue Orders directing the Clerk to re-designate the unclaimed funds for creditor CitiFinancial Auto Credit, Inc. in the amount \$2,290.88 to the case David J. Lagatt (10-10890).

Respectfully submitted,

Dated: June 2, 2014

/s/ Andrea E. Celli
Andrea E. Celli
Chapter 13 Standing Trustee
7 Southwoods Boulevard
Albany, NY 12211